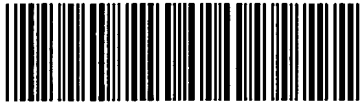


<b>Application Number</b> 	<b>Application/Control No.</b> 10/759,617	<b>Applicant(s)/Patent under Reexamination</b> DRUZGALA ET AL.	
<b>Document Code - DISQ</b>		<b>Internal Document – DO NOT MAIL</b>	

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
Date Filed : 8/9/05	This patent is subject to a Terminal Disclaimer	

<b>Approved/Disapproved by:</b>
jab

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 04-1036-F)**

In re Application of: )  
 )  
 Pascal Druzgala, et al )  
 ) Group Art Unit: 1616  
 Serial No.: 10/759,617 )  
 ) Examiner: Barbara Badio  
 Filing Date: January 16, 2004 )  
 ) Conf. No.: 8168  
 For: Materials and Methods for the Treatment )  
 Of Diabetes, Hyperlipidemia, )  
 Hypercholesterolemia, and Atherosclerosis )

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
**Via Facsimile: 571-273-0609**  
**Total Pages: 2**

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Terminal Disclaimer to Obviate a Double Parenting Rejection Over A "Prior" Patent.
2. With respect to fees:
  - a) Please charge Fee of \$65.00 to Deposit Account No. 13-2490.
  - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
3. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being transmitted via facsimile (571-273-0609) to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 9, 2005.

Respectfully submitted,



Michael S. Greenfield

Registration No. 37,142

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(312)913-0001

PTO/SB/26 (09-04)

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# **TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
04-1036-F

In re Application of: Druzgala et al

Application No.: 10/759,617

Filed January 16, 2004

For: Materials and Methods of for the Treatment of Diabetes, Hyperlipidemia, Hypercholesterolemia, and Atherosclerosis

The owner, ARY Therapeutics Inc, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,680,387 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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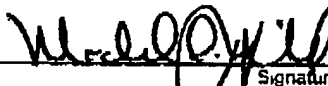
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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- 1 ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature

August 9, 2005  
Date

Michael S. Greenfield  
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312-913-0001  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included. Please charge the fee to deposit account no. 13-2490.

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